SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

CENTENNIAL ANNIVERSARY OF THE SPANISH-AMERICAN WAR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 60 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, this year 1998 marks the centennial anniversary of the Spanish-American War. History tells us that it was fought to liberate the Cuban people from the yoke of Spanish colonialism. Historians and scholars are still debating America's true motivation for engaging in a fight between the Spanish empire and its long-held colonial possessions in the Caribbean and in the Pacific. They are still addressing, at least in an academic sense, the long-term effects and the many uncomfortable and the unresolved political issues that are the aftermath of the Spanish-American War. For 100 years now, the American flag has fluttered, both literally and philosophically, over the spoils of what has been termed the splendid little war.

In the months ahead I am sure that students throughout the Nation will be introduced to historical anecdotes which set the stage for the Spanish-American War in 1898. In the wake of the Civil War, the U.S. was cementing its identity not only as a unified Nation of separate States, but also as a rising power rich in natural resources, growing and prospering and spreading the benefits of American democracy from the Atlantic to the Pacific. Against this backdrop the plight of opposed Cubans and the depravity of a crumbling European power became rich fodder for American newspapers. The Cuban uprising, the sinking of the USS *Maine*, Teddy Roosevelt and his Rough Riders and the charge up San Juan Hill, are likely to command the most attention, while the capture of Guam, the Filipino insurrection, General Emilio Aguinaldo and his Freedom Fighters and the Battle of Manila Bay will certainly not get equal attention.

The Pacific theater of the Spanish-American War is as colorful and rich in history as the Caribbean theater, but it is certainly not as well-known. Even here in the hallowed halls of Congress, few understand the 100-year progression between the arrival of an American warship on Guam in 1898 and the presence of a Guam delegate in the U.S. House of Representatives today. It is ironic, Mr. Speaker, that a war fought over Cuba and over issues pertaining to the Caribbean saw its first strike in the Pacific within a month.

The warship that stopped on Guam, the USS *Charleston*, under the command of Captain Henry Glass, was transporting American troops to the Philippines en route from Hawaii. Captain Glass received orders to stop and take the island of Guam. The *Charleston* arrived at Apra Harbor on June 21, 1898, and then, at that time, Guam was part of the Spanish empire, pretty much underfunded and pretty much forgotten within the realm of the Spanish empire.

What then was the U.S. interest in Guam in 1898 that a warship should be detoured from its intended course and ordered to take possession of what was a run-down Spanish garrison and its ill-informed commanders? Well, alas, like the declining Spanish empire, the emerging U.S. empire wanted a foothold on Asia's doorstep. Under American rule, Guam was converted from a reprovisioning port for Spanish galleons to a cooling station for naval ships, American naval ships. And while seemingly undramatic, this conversion reverberates with profound effects to this very day.

The Spanish-American War ended in December 1898 with the signing of a peace treaty in Paris. The Treaty of Paris ceded Guam, Puerto Rico and the Philippines to the United States and charged Congress with determining the civil rights and political status of the innovative inhabitants of these areas. A few days after the signing of the treaty on December 23, President William McKinley placed Guam under the full control of the Navy, ordering the Secretary of the Navy to ''take such steps as may be necessary to establish the authority of the United States and give it the necessary protection and government.'' Once again, Guam, like in the previous 200 years, was given over to military rule.

Like their Spanish predecessors, the American naval officers who were assigned to Guam lamented the lack of adequate funding for support of a naval station, but they managed to build some roads and schools and raise some health and educational standards, and improve the lives of the Chamorro people. After more than 100 years of neglect under Spanish rule, the people of Guam were grateful for the improvement in their lives and hopeful for a bright and prosperous future under American rule. In fact, so eager were they to prove themselves worthy new members of the American household that in the interim, which lasted almost a year, in the interim between the removal from Guam of all Spanish government officials as prisoners of war and the arrival of Guam's first American naval governor, the people of Guam attempted to establish their own civilian government patterned after the American model under the leadership of Joaquin Perez. Guam's first naval governor arrived in August 189 and the naval government of Guam began to take shape in the months that followed. In its efforts to erase every vestige of foreign rule and establish America's presence and influence, the naval government imposed many new rules and regulations. Its orders were unilateral and beyond question. Its rule was strict and often clumsily racist, and still hoping to secure the benefits of American democracy for Guam, a group of island leaders drafted a petition in 1901 asking Congress to establish a permanent civilian government for Guam, one that would enable the people to mold their institutions to American standards and prepare themselves and their children for the rights, obligations and privileges as loyal subjects of the United States, and one which would remove the yoke of military government over Guam. That petition was not adhered to until 49 years later.

Mr. Speaker, 100 years ago the United States acquired Guam from Spain and established a military government of Guam. Now Guam was considered at that time a possession of the United States, and there is still much confusion as to what these small territories are in actual practice. Sometimes the term ''possession'' is used, sometimes the term ''territory,'' sometimes a ''protectorate,'' and as a ''position,'' as if it were a thing to be owned and moved around. But in reality, the actual term and the appropriate legal term, which is also a part of the legacy of the Spanish-American War, is ''unincorporated territory of the United States.''

An unincorporated territory of the United States means that we are owned by the United States, but we are unincorporated. We are not fully a part of the United States. Until we change that status, congressional authority, congressional plenary authority, remains in full effect and the Constitution applies to Guam only to the extent that Congress sees fit to apply it to Guam. That is what happens when something is a territory; the Constitution applies to all American citizens, except in the territories when Congress decides which parts of the Constitution apply.

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One of the main elements of great discussion about political theory today and the appropriate relationship between the Federal Government and the local government is the use of the 10th amendment of the Constitution where certain powers are reserved to the States or to the people.

We frequently hear references to the 10th amendment on the floor of the House in order to describe the appropriate relationship between the Federal Government and State governments and individual citizens. The concept of devolution in those cases used, as a core article, obviously draws its faith from the full application of the 10th amendment. However, the 10th amendment is not applied to Guam or any of the small territories as decided by Congress.